

सं० ओ० वि०/गुडगांव/240-87/39723.—चूंकि हरियाणा के राज्यपाल की राय है कि मै० विरेन्द्रा ग्राम, गांव सिकन्दरपुर मेहरोली रोड़, गुडगांव के श्रमिक श्री जैनुल अबेदिन, पुत्र श्री नकीबुद्दीन मार्फत श्री श्रद्धानन्द, महा सचिव, गुडगांव फैक्ट्री वर्करज यूनियन, (एटक आफिस) गुडगांव तथा उसके प्रबन्धकों के बीच इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है ;

और चूंकि हरियाणा के राज्यपाल इस विवाद को न्यायनिर्णय हेतु निर्दिष्ट करना वांछनीय समझते हैं ;

इसलिए, अब, औद्योगिक विवाद अधिनियम, 1947, की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुये हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 5415-3-68/15254, दिनांक 20 जून, 1978, के साथ पढ़ते हुए अधिसूचना सं० 11495-जी-श्रम-57/112-45, दिनांक 7 फरवरी 1958 द्वारा उक्त अधिसूचना की धारा 7 के अधीन गठित श्रम न्यायालय, फरीदाबाद, को विवादग्रस्त या उससे सुसंगत या उससे सम्बन्धित नीचे लिखा मामला न्यायनिर्णय एवं पंचाट तीन मास में देने हेतु निर्दिष्ट करते हैं जो कि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत अथवा सम्बन्धित है :—

क्या श्री जैनुल अबेदिन की सेवाओं का समापन न्यायोचित तथा ठीक है ? यदि नहीं, तो वह किस राहत का हकदार है ?

सं० ओ० वि०/गुडगांव/188-87/39730.—चूंकि हरियाणा के राज्यपाल की राय है कि मै० विरेन्द्रा ग्राम, गांव, सिकन्दरपुर मेहरोली रोड़, गुडगांव, के श्रमिक श्री सहीदुर रहमान, पुत्र श्री मोमीरुद्दीन, मार्फत श्री श्रद्धानन्द, महा सचिव, गुडगांव फैक्ट्री वर्करज यूनियन (एटक आफिस) गुडगांव तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है ;

और चूंकि हरियाणा के राज्यपाल इस विवाद को न्यायनिर्णय हेतु निर्दिष्ट करना वांछनीय समझते हैं ;

इसलिए, अब, औद्योगिक विवाद अधिनियम, 1947, की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुये हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 5415-3-68/15254, दिनांक 20 जून, 1978, के साथ पढ़ते हुए अधिसूचना सं० 11495-जी-श्रम-57/112-45, दिनांक 7 फरवरी 1958 द्वारा उक्त की धारा 7 के अधीन गठित श्रम न्यायालय, फरीदाबाद, को विवादग्रस्त या उससे सुसंगत सम्बन्धित नीचे लिखा मामला न्यायनिर्णय एवं पंचाट तीन मास में देने हेतु निर्दिष्ट करते हैं जो कि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत अथवा सम्बन्धित मामला है :—

क्या श्री सहीदुर रहमान की सेवाओं का समापन न्यायोचित तथा ठीक है ? यदि नहीं, तो वह किस राहत का हकदार है ?

सं० ओ० वि० गुडगांव/202-87/39737.—चूंकि हरियाणा के राज्यपाल की राय है कि मै० विरेन्द्रा ग्राम, गांव सिकन्दरपुर, मेहरोली रोड़, गुडगांव के श्रमिक श्री जगत सिंह, पुत्र श्री फूल सिंह मार्फत श्री श्रद्धानन्द, महा सचिव, गुडगांव फैक्ट्री वर्करज यूनियन, (एटक आफिस) गुडगांव तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है ;

और चूंकि हरियाणा के राज्यपाल इस विवाद को न्यायनिर्णय हेतु निर्दिष्ट करना वांछनीय समझते हैं ;

इसलिए, अब, औद्योगिक विवाद अधिनियम, 1947, की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुये हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 5415-3-68/15254, दिनांक 20 जून, 1978, के साथ पढ़ते हुए अधिसूचना सं० 11495-जी-श्रम-57/112-45, दिनांक 7 फरवरी 1958 द्वारा उक्त अधिसूचना की धारा 7 के अधीन गठित श्रम न्यायालय, फरीदाबाद, को विवादग्रस्त या उससे सुसंगत या उससे सम्बन्धित नीचे लिखा मामला न्यायनिर्णय एवं पंचाट 3 मास में देने हेतु निर्दिष्ट करते हैं जो कि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत अथवा सम्बन्धित मामला है ।

क्या श्री जगत सिंह की सेवाओं का समापन न्यायोचित तथा ठीक है ? यदि नहीं, तो वह किस राहत का हकदार है ?

सं० ओ० वि० गुडगांव/198-87/39744.—चूंकि हरियाणा के राज्यपाल की राय है कि मै० विरेन्द्रा ग्राम, गांव सिकन्दरपुर मेहरोली रोड़, गुडगांव, के श्रमिक श्रीमति वसन्ती, पत्नी श्री रत्न लाल मार्फत श्री श्रद्धानन्द, महा सचिव, गुडगांव फैक्ट्री वर्करज यूनियन (एटक आफिस) गुडगांव तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है ;

और चूंकि हरियाणा के राज्यपाल इस विवाद को न्यायनिर्णय हेतु निर्दिष्ट करना वांछनीय समझते हैं;

इसलिये, अब, औद्योगिक विवाद अधिनियम 1947 की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करने हुये हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 5415-3-68/15254, दिनांक 20 जून, 1978, के साथ पढ़ते हुये अधिसूचना सं० 11495-जी०एम० 57/112-45, दिनांक 7 फरवरी, 1958 द्वारा उक्त अधिसूचना की धारा 7 के अधीन गठित, श्रम न्यायालय, फरीदाबाद को विवादग्रस्त या उससे सुसंबन्धित या उससे सम्बन्धित नीचे लिखा मामला न्यायनिर्णय एवं पंचाष्ट 3 मास में देने हेतु निर्दिष्ट करते हैं जो कि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत अथवा संबन्धित मामला है।

क्या श्रीमति बसन्ती की सेवाओं का समापन न्यायोचित तथा ठीक है? यदि नहीं तो वह किस राहत की हकदार है?

आर०.एस० अग्रवाल;

उप सचिव, हरियाणा सरकार,
श्रम विभाग।

LABOUR DEPARTMENT

The 27th October, 1987

No. CLA/87/42171.—In exercise of the powers conferred by clause (b) of sub-rule (v) of Rule 25 of the Haryana Contract Labour (Regulation and Abolition) Rules, 1975 and with reference to the Haryana Government, Labour Department notification No. CLA/87/12608, dated 27th March, 1987, published in Haryana Government Gazette, dated 21st April, 1987, the Labour Commissioner, Haryana, hereby makes the following rules to specify the rates of wages, holidays and hours of work and condition of service for the watch and ward/security Guards employed by the contractors who do not perform the same or similar kind of work as the workmen directly employed by the principal employer of an establishment:

1. Definition :

Works and expressions defined in the Act shall be deemed to have the same meaning as in the Act. Workman means a person appointed as watch and ward/security guard.

2. Working Hours :

(a) No workman shall be required to work for more than 8 hours in any day and 48 hours in a week. However, the provision in so far as working hours relate will also be applied as per extended application of the Factories Act, 1948.

3. Rest Interval :

No workman shall be required to work for more than 5 hours in any day unless he has an interval of rest for at least half an hour.

4. Spread over :

The period of work of a workman shall be so arranged that inclusive rest-interval, it shall not exceed more than 10 hours in any day.

5. Weekly Rest :

Every workman shall be allowed a day of rest of one whole day provided he has worked for 6 days, on which the worker of the principal employer have been allowed weekly rest. In case, the principal employer has substituted, the weekly rest-day, the contractor will also substitute the day of weekly rest.

6. National Festival Holidays, Casual and Sick Leave :

(1) Every workman employed by the contractor shall be entitled to holidays with wages, in a calendar year as under :—

(a) National Holidays

.. 26th January, 15th August, 2nd October.

- (b) Festival Holidays .. 5 to be fixed by mutual discussion between the Contractor and workmen.
- (c) Casual leave .. 7 days
- (d) Sick leave .. 7 days

(2) Where a workman is entitled to the holidays is required or allowed to work on any such holiday, he shall be entitled to :—

- (i) Twice his daily average of total full time earnings for the days on which he worked during the months immediately proceeding his holiday exclusive of any overtime but inclusive of dearness allowance.
- (ii) Substituted holiday with average daily wage on any other day within 30 days from the date on which he so works.

7. Leave with wages :

(a) Every workman who has worked under a contractor during the calendar year shall be allowed leave with wages for the number of days calculated at the rate of :

- (i) If an adult, one day for every 20 days of actual work performed by him.
- (ii) If a young person, one day for every 15 days of actual work performed by him.

Explanation :

For calculating the days of actual work, weekly off, national and festival holidays, casual and sick leave and other interruptions like lay off, shall be treated as service rendered.

- (b) Leave admissible under this clause shall be exclusive of all holidays whether occurring during or at either end of the period of leave.
- (c) in calculating leave under this clause, fraction of leave of half day or more shall be treated as one full days leave and fraction of leave less than half-a-day shall be omitted.
- (d) A workman may at any time apply in writing to the contractor or his authorised representatives, not less than seven days before the date on which he wishes his leave to begin :

Provided the number of times in which leave may be taken during any calendar year shall not exceed three.

- (e) every workman for the period of leave allowed under this rule, shall be paid at a rate equal to the daily average of his total full time earnings for the days on which he worked during the month immediately preceding his leave exclusive of any overtime but inclusive of dearness allowance.
- (f) if a workman entitled to leave with wages is discharged by the contractor before he has been allowed such leave, or if he quits his employment before he has been allowed the leave, the contractor shall pay to the workman before the expiry of the second working day from the day on which employment is terminated, the amount in respect of the period of the unavailed leave.
- (g) If the existing leave facilities are more beneficial than those provided in the above rule, the workman will continue to enjoy the existing facilities.

Wages :

The workman employed by the contractor shall be of semi-skilled status and their wage rates will be at the level as fixed under the Minimum Wages Act, 1948, in the scheduled employments.

In case, no wages have been fixed in the same or similar employment, the wages payable in the schedule employment namely :

“Agriculture Implements” Machine Tools and General Engineering including cycle and electrical goods in industry” fixed/revised by the Government under the Minimum Wages Act from time to time, shall be payable.

9. Extra wages for over time :

Where a workman is required to work for more than 8 hours on any day excluding the period of rest interval, he shall be entitled to wages at the rate of twice his average rate of wages :

Provided the overtime shall not exceed 50 hours in a quarter of the year.

"Wages" shall have the meaning assigned to it in clause (vi) of section 2 of the payment of wages Act, 1936.

10. Pay day :

The wages to the workman shall be paid by the contractor before the expiry of the seventh day after the last day of the month in respect of which the wages are payable.

11. Deductions :

The deductions from the wages of the workman will be made only in accordance with the provision of sub-section (2) of section 7 of the Wages Act, 1936.

12. Payment of Bonus :

The contractor's establishment which are not covered under the payment of Bonus Act shall pay bonus to their workmen @ 33% of the wages earned during an accounting year or in accordance with the provisions of the Bonus Act, whichever is higher. This facility will be admissible to the Contractor's employees subject to the condition that their counterparts in regular employments are also paid bonus.

13. Canteen facilities :

Contractor's employees shall be given canteen facility at subsidised rates as admissible to regular employees of the factory. The additional financial burden which will accrue in this behalf shall be borne by the Contractors. Further it will be the responsibility of the Contractor to sort out this arrangement with the principal employer.

14. Procedure for termination of service :

(1) No contractor shall without reasonable cause, terminate the service of a workman who has been in his employment continuously for a period of 30 days or more without giving such a workman atleast 3 days notice in writing or wages in lieu thereof, except for misconduct.

(2) The following acts and omissions shall be treated as misconduct on the part of the workman :—

- (a) Wilful insubordination or disobedience whether alone or in combination with others of any lawful and reasonable order of superior.
- (b) Striking work or inciting others to strike work in contravention of the provisions of any law.
- (c) Wilful slowing down in performance or abetment or instigation thereof.
- (d) Theft, fraud or dishonesty in connection with the contractors or principal employers' business or property.
- (e) Habitual breach of any law applicable to the work place or any rule made thereunder.
- (f) Drunkenness, riotous, disorderly or indecent behaviour at the work place.
- (g) Habitual neglect of work or habitual negligence.
- (h) Wilful damage to work in process.
- (i) Holding meeting within the premises without prior permission of the employer.
- (j) Gambling within the premises of the work.
- (k) Sleeping while on duty.
- (l) Threatening, abusing or assaulting superior or co-worker.
- (m) Habitual absence without leave or absence with leave for more than five consecutive days or over-staying the sanctioned leave without sufficient ground or proper or satisfactory explanation.

(3) A workman guilty of misconduct may be punished with warning, fine, suspension for a period of 7 days or dismissal.

(4) No order of punishment for misconduct shall be made except after holding an enquiry against the workman by following the principles of natural justice. While awarding punishment the gravity of the misconduct and previous record of the workman shall be taken into consideration.

14. Uniform :

The workman shall be entitled to winter and summer uniform free of cost.

The above regulations will be reviewed after a period of four years.

R. S. AGGARWAL,
Labour Commissioner, Haryana.